

REMARKS

In the final office action mailed February 24, 2005, the Examiner objected to a limitation which was added into independent claims 1 and 15 in the amendment filed December 2, 2004. Specifically, that limitation related to the controller controlling the drain valve such that “an entire quantity of heated water is drained from said vessel before said controller causes” a fresh quantity of water to be admitted into the vessel. The Examiner believed that this language was not supported by the original disclosure and therefore represented new matter. A rejection under 35 U.S.C. §112, first paragraph, was given for independent claims 1 and 15 based on the Examiner’s determination that the language added into these claims amounted to new matter. This rejection is most strenuously traversed.

The Examiner’s attention is directed to paragraph [0007] in the “Summary of the Invention” portion of the application (page 2). This paragraph recites, in the last sentence thereof: *“After each heating cycle is completed, the quantity of water within the vessel is drained by the controller opening the valve in the water outflow conduit”*. It is respectfully submitted that this sentence clearly evidences that the “entire” quantity of water within the vessel is drained by the controller. The fact that the word “entire” was not used in this sentence does not alter the clear meaning of the sentence, that being that “the quantity of water within the vessel” is drained by the controller opening the valve in the water outflow conduit. The undersigned respectfully submits that the Examiner has not read this statement and interpreted it in its ordinary sense. The undersigned is further at a loss to understand where in the application any statements or suggestions or implications have been made that only a “portion” of the water in the

vessel is drained before a new heating cycle is started. This is exactly the opposite of the general thrust of the written description of the invention.

The Examiner's attention is further directed to paragraph [0027], where it is stated: *"After a brief predetermined time, the controller 16 shuts down the microwave oven and opens valve 38, thus allowing the water within the vessel to be drained therefrom"*. Again, it will be noted that this statement does not say or imply that only a portion of the water is to be drained. It simply says that the valve 38 is opened, thus allowing the water within the vessel to be drained therefrom. Again the undersigned is at a loss to conclude how the Examiner can say that this does not disclose draining all the water within the vessel. It is further respectfully submitted that the Examiner is unfairly parsing words and reading meanings into various sentences within the disclosure that are simply not present or suggested.

The Examiner's attention is also directed to paragraph 27, second sentence, wherein a further statement is made: *"The water is drained very rapidly in part by a vacuum supplied by the vacuum accumulator 40. This rapid evacuation of water from the vessel 12 helps to drain minerals in the water and prevent the build up of such minerals within the vessel"*. Again, this statement clearly evinces, from any rational reading of it, that the entire quantity of water is drained very rapidly from the vessel 12 to prevent trace minerals in the water from building up inside the vessel. Without draining the entire quantity of water in the vessel, a fundamental feature of this invention, that being preventing the formation of micro-organisms because of remaining minerals within the vessel, would not be accomplished. Thus, the Examiner's conclusion that the entire quantity of water is not drained from the vessel would

basically lead to a primary feature of the present invention not being able to be accomplished.

The Examiner's attention is further directed to paragraph 29 in total, and particularly the sentence beginning on the third line of page 9, in which it is stated:

When the controller 16 determines that water needs to be drained from the vessel 12, it opens valve 38. The pressure of the steam (i.e., vapor) generated within the vessel 12 helps to push the water out of the vessel 12 into the drain conduit 36 and through the open valve 38 into the vacuum accumulator 40. . . . To begin a subsequent cycle, the controller then closes valve 38 and opens valve 20 to admit a fresh quantity of water from the water reservoir 22 into the vessel, and the above-described cycle is repeated.

Again, the undersigned cannot see how the Examiner could reasonably conclude that this language does not mean that all of the water within the vessel is drained. Specific language points out that the low pressure area formed within the vacuum accumulator 40 assists in rapidly draining water out through the drain conduit 36, through the vacuum accumulator 40 and through the drain mast 48; and that a subsequent cycle is only begun after the controller closes valve 38 and again opens valve 20 to admit a fresh quantity of water. Absolutely nowhere is it suggested or implied that only a portion of the water in the accumulator is drained. To the contrary, the language, when considered in context with the purpose of this invention, would clearly convey to anyone of ordinary skill in the art that all of the water in the vessel 12 is drained before a new quantity of water is admitted. Again, leaving a portion of water in the vessel would clearly defeat a principal purpose of this invention, that being preventing the formation of microorganisms from trace minerals that remain in the vessel for extended periods of

time. This is accomplished by completely evacuating the water from the vessel after each heating cycle.

In view of the foregoing, the Examiner is respectfully requested to reconsider the rejection under 35 U.S.C. §112, first paragraph, and to remove this rejection.

Since the Examiner did not provide any other art rejections, it is believed that the art rejections provided in the previously mailed office action have been withdrawn by the Examiner. If those art rejections were still intended to be approved, the undersigned respectfully requests that the “finality” of the presently outstanding office action be withdrawn, since the undersigned has not been provided an opportunity to evaluate and address the Examiner’s reasons for continuing to apply those art rejections against the presently pending claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 22, 2005

By: 
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